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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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46363 7590 06/16/2010 WALL & TONG, LLP/ ALCATEL-LUCENT USA INC. 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702				
EXAMINER HUYNH, CHUCK				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,674

Applicant(s)

CHUAH ET AL.

Examiner

CHUCK HUYNH

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/19/2010 have been fully considered but they are not persuasive.

It has been noted that the amendment made to the independent claims does not raise any new issues or change the scope of the claims; and therefore are still rejected as previous shown.

Response to remarks made regarding:

Claims 1-2

Applicant argues that,

First, Applicants submit that Matturi is directed toward establishing connections between base station controllers and base stations in a cellular wireless network. Matturi is devoid of any teaching or suggestion of a wireless area network (WAN) and, thus, fails to teach or suggest the wireless access point or WAN gateway of Applicants' claim 1, much less the arrangement of Applicants' claim 1 in which an access point registration request is received at a WAN gateway from at least one wireless access point receiving a discovery message from the WAN gateway, or the specific wireless access point information of Applicants' claim 1 (Page 5 of Remarks).

Examiner would like to note that the broadest interpretation of a WAN is a wireless area network, as suggested by Applicant; furthermore, the broadest interpretation of a cellular wireless network in the art is also known as a wireless area

network. Therefore, the cellular wireless network does read on the claimed wireless area network. If applicant wants to refer to wireless area networks such as 802.11, then that needs clearly recited in the claim.

Second, Applicants submit that, even assuming *arguendo* that the cellular network teachings of Matturi could be applied in a rejection of Applicants' claim 1 (which Applicants maintain they cannot), Matturi merely discloses that a base station controller transmits a request message to the base station. By contrast, Applicants' claim 1 includes the feature that a gateway receives a request message from at least one wireless access point where the request message includes registration request information. Thus, Matturi still would fail to teach or suggest receiving at a WAN gateway, from at least one wireless access point receiving a discovery message, an access point registration request including access point registration information, as claimed in Applicants' claim 1 (Page 5-6 of Remarks).

Examiner would like to assert that this point is moot, since the rejection does not rely on the reference of Matturi to fully disclose the limitations of receiving at a WAN gateway, from at least one wireless access point receiving a discovery message, an access point registration request including access point registration information.

However, Matturi does disclose the base station controller (read to be the gateway in the claim) receiving an acknowledgement message from the base station (read to be the access point in the claim) acknowledging the establishment message originally sent by the base station controller (Col 7, lines 7-36).

Third, Applicants submit that, even assuming *arguendo* that the cellular wireless network teachings of Matturi could be applied in a rejection of Applicants' claim 1 (which Applicants maintain they cannot), Matturi still would fail to teach or suggest receiving, at a WAN gateway from at least one wireless access point receiving a discovery message, an access point registration request including access point location, IP address, MAC address, radio type, and power level information of the wireless access point, as claimed in Applicant's claim 1. Rather, Matturi merely includes a general statement indicating that identification information and hardware information is sent from the base station to the base station controller. (Matturi, Col. 7, Lines 38 - 39). Matturi is devoid of any teaching or suggestion of access point location, IP address, MAC address, radio type, or power level information of a wireless access point. Thus, at least for these reasons, Matturi fails to teach or suggest at least the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1 (Page 6 of Remarks).

Again, Examiner would like to point out that the argued point is moot, because Matturi is not relied upon to reject the argued limitation of "receiving, at a WAN gateway from at least one wireless access point receiving a discovery message, an access point registration request including access point location, IP address, MAC address, radio type, and power level information of the wireless access point." Furthermore, the Gray reference is used to reject said limitation.

Regarding the Gray reference, first, Applicants submit that the first portion of Gray cited by the Examiner (namely, Col. 5, Lines 60 - 67), which discusses registration and management of access points, merely states that a network administrator registers an access point by entering or discovering information unique to the access point, where the information includes "...BSSID or Wireless MAC address, LAN MAC address, and LAN IP address." This portion of Gray is devoid of any teaching or suggestion of an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point. Applicants note that although this portion of Gray mentions various MAC and IP addresses, the cited portion of Gray clearly is devoid of any teaching or suggestion of access point location, radio type, or power level information. Thus, the first portion of Gray cited by the Examiner fails to teach or suggest an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as recited in Applicants' claim 1 (Page 7 of Remarks), and

secondly, Applicants submit that the second portion of Gray cited by the Examiner (namely, Col. 7, Lines 30-53) merely describes configuration of groups in order to simplify administration of wireless LAN functionality, such as where users associated with a "sales" group may configure their wireless client devices to associate with access points having an SSID set to "sales." This portion of Gray is devoid of any teaching or suggestion of an access point registration request or access point location, IP address, MAC address, radio type, and power level information of a wireless access point, much less an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as recited in Applicants' claim 1.

Examiner would like to contend that Gray does disclose said argued limitation, and the inclusion of access point location (the positional parameters of the AP in Latitude and Longitude: Col 6, lines 46-47), radio type (the use of 802.11 technology: Col 5, lines 17-21, which the packet can specifies a specific channel: Col 6, line 46, Fig. 1, Fig.3 showing channel 11), or power level information (Fig. 7B, element 7: power management). Therefore, Gray does disclose the argued limitation.

Applicant further argues (Page 8-9 of Remarks) that, in the Office Action, the Examiner appears to acknowledge that Gray fails to teach or suggest an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of a wireless access point, because the Examiner states that Gray "inherently" teaches such an access point registration request. (See Office Action, Pg. 5).

Applicants submit that, in order for a missing element to be inherent, "extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. The mere fact that a certain thing ~ result from a given set of circumstances is not sufficient." In re Robertson, 49USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (internal quotations omitted) (emphasis added).

Gray does not inherently teach an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as claimed in Applicant's claim 1, since the teachings of Gray do not necessarily require an access point registration request having access point location, IP address, MAC address, radio type, and power level information of a wireless access point.

Thus, the Examiner's reference to inherency deals in probabilities and possibilities which are insufficient to establish such inherency. Robertson, 49 USPQ2d at 1950. As such, Gray fails to explicitly or inherently teach or suggest at least the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1.

Thus, Gray fails to teach or suggest the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1.

Thus, since Matturi and Gray each fail to teach or suggest the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," a combination of Matturi and Gray (assuming arguendo that such a combination is possible) must fail to teach or suggest the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1.

Thus, a combination of Matturi and Gray fails to teach or suggest Applicants' claim 1 (Page 8-9 of Remarks).

Firstly, Examiner did not make any claim to inherency on page 5 of the previous rejection, as suggested by Applicant. Therefore, the argument is moot.

However, Examiner would like to point out that the combination of Matturi in view of Gray does disclose the argued limitation of, "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point." We already know that Matturi discloses the BSC (gateway) receiving identification information and hardware information from the base station (access point) to register the base station to the network for operation: Matturi: Col 7, lines 35-43); therefore, the combination of Gray's registration and Management of Access points information (Gray: Col 5, line 61) such as the identification information of the access point like the access point location (the positional parameters of the AP in Latitude and Longitude: Col 6, lines 46-47), radio type (specifying a specific channel: Col 6, line 46, Fig. 1, Fig.3 showing channel 11), or power level information (Fig. 7B, element 7: power management).

Since Matturi and Gray are analogous art for they both are wireless systems trying to establish connections within its network. It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's capability of receiving and storing access points information during registration of wireless access points to Matturi's base station controller to collect information of available access points/base stations to allow network administrators to optimize the configuration of the

wireless network environment for performance and security (Gray: Col 3, lines 27-30), including the management of the entire network.

Claims 3-7

Matturi and Gray, alone or in combination, fail to teach or suggest at least the limitations of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received" and "sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point toward said selected WAN gateway," as claimed in Applicants' claim 3. Applicants address each of these limitations below.

1. Matturi and Gray, alone or in combination, fail to teach or suggest the limitation of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received."

First, Applicants submit that Matturi is directed toward establishing connections between base station controllers and base stations in a cellular wireless network. Matturi is devoid of any teaching or suggestion of a wireless area network (WAN) and, thus, fails to teach or suggest the wireless access point or WAN gateway of Applicants' claim 3, much less the arrangement of Applicants' claim 3 in which a gateway discovery query message is broadcast from a wireless access point, at least one service discovery message is received from respective at least one WAN gateway, and the wireless access point selects appropriate WAN gateway in an instance where more than one service discovery message is received, as claimed in Applicants' claim 3.

As stated above, Examiner would like to note that the broadest interpretation of a WAN is a wireless area network, as suggested by Applicant; furthermore, the broadest interpretation of a cellular wireless network in the art is also known as a wireless area network. Therefore, the cellular wireless network does read on the claimed wireless area network. If applicant wants to refer to wireless area networks such as 802.11, then that needs clearly recited in the claim.

Second, Applicants submit that, even assuming *arguendo* that the cellular wireless network teachings of Matturi could be applied in a rejection of Applicants' claim 3 (which Applicants maintain they cannot), Matturi still would fail to teach or suggest selecting, by a wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message from more than one WAN gateway is received by the wireless access point, as claimed in Applicants' claim 3.

Matturi, however, fails to teach or suggest that a base station selects an appropriate base station controller in an instance where more than one service discovery message is received from more than one base station controller.

Rather, Matturi merely discloses that: (1) when a base station controller detects that it has been provided with identification information of a base station not yet connected to the base station, the base station controller transmits a link protocol link establishment request message, and (2) when the new base station connected to the system receives the link protocol link establishment request message, the base station transmits an acknowledgment message to the base station controller. (Matturi, Col. 7, Lines 1 - 30).

In other words, in the system of Matturi the base station only ever communicates with a single base station controller at a given time for purposes of establishing a connection with the base station controller.

Thus, the base station of Matturi will not receive multiple connection request messages from multiple base station controllers and, therefore, there is no need for the base station to select between multiple base station controllers.

Thus, since Matturi is devoid of any teaching or suggestion that a base station I selects an appropriate base station controller in an instance where more than one service discovery message is received from more than one base station controller, Matturi fails to teach or suggest selecting, by a wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message from more than one WAN gateway is received by the wireless access point, as claimed in Applicants' claim 3 (Page 11 of Remarks).

In the Office Action, the Examiner cites specific portions of Matturi (namely, Col. 5, Lines 9 - 17, Col. 7, Lines 21 - 48), asserting that the cited portions of Matturi disclose Applicants' limitation of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received," as claimed in Applicants' claim 3. Applicants respectfully disagree.

With respect to the first portion of Matturi cited by the Examiner, Applicants note that the cited portion of Matturi merely states that when a base station controller detects that it has been provided with identification information on base stations not yet connected to the base station controller, the base station controller transmits frames used for communication with the base stations. This portion of Matturi is devoid of any teaching or suggestion of selecting an appropriate WAN gateway in an instance where more than one service discovery message is received, as claimed in Applicants' claim 3.

With respect to the second portion of Matturi cited by the Examiner, Applicants submit that, as noted hereinabove, the cited portion of Matturi merely describes a process by which a connection between a base station controller and a base station is established. As described hereinabove, in the system of Matturi the base station only ever communicates with a single base station controller for purposes of establishing a connection with the base station controller. Matturi is devoid of any teaching or suggestion of multiple BCSs with which a base station may associate. Thus, Matturi is devoid of any teaching or suggestion that a base station selects an appropriate base station controller and, therefore, fails to teach or suggest selecting, by a wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received, as claimed in Applicants' claim 3 (Page 11-12 of Remarks).

Examiner would like to note that Applicant is reading more into the claim than what is actually claimed. Applicant suggests that "Matturi the base station only ever communicates with a single base station controller at a given time for purposes of establishing a connection with the base station controller. Thus, the base station of Matturi will not receive multiple connection request messages from multiple base station controllers and, therefore, there is no need for the base station to select between multiple base station controllers (cited above)." However, nowhere in the claim does it claim that the WAN gateway receives more than a single communication from the WAN and the access point. The claim merely claims, "receiving from at least one WAN gateway, a respective service discovery message," not multiple service discovery

messages from a plurality of access points, nor does it clearly disclose whether the more than one service discovery message received is from one access point or each from a different access point.

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., receive multiple connection request messages from multiple base station controllers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Gray fails to bridge the substantial gap between Matturi and Applicants' claim 3. Gray discloses management of wireless computer network environments using a management platform. The management includes WLAN airspace mapping, including allowing any conforming access point the ability to routinely scan its airspace, collect data on all operating frequencies, and report the information back to the management platform. The management platform also analyzes information received from the access points under management to detect and report the state of the computer network environment. (Gray, Abstract).

Gray, however, fails to teach or suggest the limitation of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received," as claimed in Applicants' claim 3.

Rather, with respect to registration and management of access points, Gray merely states that a network administrator registers at least one wireless access point by entering or discovering information unique to the access point. (Gray, Col. 5, Lines 62 - 64). Gray is devoid of any teaching or suggestion of any selection of a WAN gateway by a wireless access point, much less selecting, by a wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received, as recited in Applicants' claim 3.

Thus, since Matturi and Gray each fail to teach or suggest the limitation of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received," a combination of Matturi and Gray (assuming arguendo that such a combination is possible) must fail to teach or suggest the limitation of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received," as claimed in Applicants' claim 3 (Page 13 of Remarks).

Examiner would like to assert that the above argued point is moot because Gray was not relied upon to disclose the argued limitation of, "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received."

2. Matturi and Gray, alone or in combination, fail to teach or suggest the limitation of "sending an access point registration request comprising access point location, IP

address, MAC address, radio type, and power level information of said wireless" access point to said selected WAN gateway ."

Matturi fails to teach or suggest at least the limitation of "sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway," as claimed in Applicants' claim 3.

First, Applicants submit that Matturi is directed toward establishing connections between base station controllers and base stations in a cellular wireless network. Matturi is devoid of any teaching or suggestion of a wireless area network (WAN) and, thus, fails to teach or suggest the wireless access point or WAN gateway of Applicants' claim 3, much less the specific wireless access point information included in the access point registration request of Applicants' claim 3 (Page 13 of Remarks).

Examiner would like to note that the broadest interpretation of a WAN is a wireless area network, as suggested by Applicant; furthermore, the broadest interpretation of a cellular wireless network in the art is also known as a wireless area network. Therefore, the cellular wireless network does read on the claimed wireless area network. If applicant wants to refer to wireless area networks such as 802.11, then that needs clearly recited in the claim.

Second, Applicants submit that, even assuming arguendo that the cellular network teachings of Matturi could be applied in a rejection of Applicants' claim 3 (which Applicants maintain they cannot), Matturi merely discloses that a base station controller transmits a request message to the base station. By contrast, Applicants' claim 3 includes the feature that a

wireless access point sends an access point registration request to a WAN gateway, where the request message includes registration request information. Thus, Matturi still would fail to teach or suggest sending, to a selected WAN gateway, an access point registration request including access point registration information, as claimed in Applicants' claim 3.

Examiner would like to assert that this point is moot, since the rejection does not rely on the reference of Matturi to fully disclose the limitations of receiving at a WAN gateway, from at least one wireless access point receiving a discovery message, an access point registration request including access point registration information.

However, Matturi does disclose the base station controller (read to be the gateway in the claim) receiving an acknowledgement message from the base station (read to be the access point in the claim) acknowledging the establishment message originally sent by the base station controller (Col 7, lines 7-36).

Third, Applicants submit that, even assuming arguendo that the cellular wireless network teachings of Matturi could be applied in a rejection of Applicants' claim 3 (which Applicants maintain they cannot), Matturi still would fail to teach or suggest an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as claimed in Applicants' claim 3. Rather, Matturi merely includes a general statement indicating that identification information and hardware information is sent from the base station to the base station controller. (Matturi, Col. 7, Lines 38 - 39). Matturi is devoid of any teaching or suggestion of access point location, IP address, MAC address, radio type, or power level information of a wireless access point.

Thus, at least for these reasons, Matturi fails to teach or suggest at least the limitation of "sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway," as claimed in Applicants' claim 3. Furthermore, Gray fails to bridge the substantial gap between Matturi and Applicants' claim 3.

Again, Examiner would like to point out that the argued point is moot, because Matturi is not relied upon to reject the argued limitation of "sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway." Furthermore, the Gray reference is used to reject said limitation.

Furthermore, Applicant argues that Gray, fails to teach or suggest the limitation of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received," as claimed in Applicants' claim 3. Regarding the Gray reference, first, Applicants submit that the first portion of Gray cited by the Examiner (namely, Col. 5, Lines 60 - 67), which discusses registration and management of access points, merely states that a network administrator registers an access point by entering or discovering information unique to the access point, where the information includes "...BSSID or Wireless MAC address, LAN MAC address, and LAN IP address." This portion of Gray is devoid of any teaching or suggestion of an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point. Applicants note that although this portion of Gray mentions various MAC and IP addresses, the cited portion of Gray clearly is devoid of any teaching or suggestion of access

point location, radio type, or power level information. Thus, the first portion of Gray cited by the Examiner fails to teach or suggest an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as recited in Applicants' claim 1 (Page 15 of Remarks).

Examiner would like to contend that Gray does disclose said argued limitation, and the inclusion of access point location (the positional parameters of the AP in Latitude and Longitude: Col 6, lines 46-47), radio type (the use of 802.11 technology: Col 5, lines 17-21, which the packet can specifies a specific channel: Col 6, line 46, Fig. 1, Fig.3 showing channel 11), or power level information (Fig. 7B, element 7: power management). Therefore, Gray does disclose the argued limitation.

Applicant further argues (Page 16-17 of Remarks) that, in the Office Action, the Examiner appears to acknowledge that Gray fails to teach or suggest an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of a wireless access point, because the Examiner states that Gray "inherently" teaches such an access point registration request. (See Office Action, Pg. 5).

Applicants submit that, in order for a missing element to be inherent, "extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. The mere fact that a certain thing ~ result from a given set of circumstances is not sufficient." In re Robertson, 49USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (internal quotations omitted) (emphasis added).

Gray does not inherently teach an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as claimed in Applicant's claim 1, since the teachings of Gray do not necessarily require an access point registration request having access point location, IP address, MAC address, radio type, and power level information of a wireless access point.

Thus, the Examiner's reference to inherency deals in probabilities and possibilities which are insufficient to establish such inherency. Robertson, 49 USPQ2d at 1950. As such, Gray fails to explicitly or inherently teach or suggest at least the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1.

Thus, Gray fails to teach or suggest the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1.

Thus, since Matturi and Gray each fail to teach or suggest the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," a combination of Matturi and Gray (assuming arguendo that such a combination is possible) must fail to teach or suggest the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access

point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1.

Thus, a combination of Matturi and Gray fails to teach or suggest Applicants' claim 1 (Page 16-17 of Remarks).

Firstly, Examiner did not make any claim to inherency on page 5 of the previous rejection, as suggested by Applicant. Therefore, the argument is moot.

However, Examiner would like to point out that the combination of Matturi in view of Gray does disclose the argued limitation of, "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point." We already know that Matturi discloses the BSC (gateway) receiving identification information and hardware information from the base station (access point) to register the base station to the network for operation: Matturi: Col 7, lines 35-43); therefore, the combination of Gray's registration and Management of Access points information (Gray: Col 5, line 61) such as the identification information of the access point like the access point location (the positional parameters of the AP in Latitude and Longitude: Col 6, lines 46-47), radio type (specifying a specific channel: Col 6, line 46, Fig. 1, Fig.3 showing channel 11), or power level information (Fig. 7B, element 7: power management).

Since Matturi and Gray are analogous art for they both are wireless systems trying to establish connections within its network. It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's capability of

receiving and storing access points information during registration of wireless access points to Matturi's base station controller to collect information of available access points/base stations to allow network administrators to optimize the configuration of the wireless network environment for performance and security (Gray: Col 3, lines 27-30), including the management of the entire network.

Therefore, the claims are still not yet in condition for allowance, And are still rejected as shown below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi et al. (US 6,574,208; hereinafter Matturi) in view of Gray et al. (US 7295524)

Regarding claim 1, Matturi discloses a method for registering at least one wireless access point in a wireless area network (WAN), comprising:

broadcasting from a WAN gateway, a discovery message towards said at least one wireless access point in said network WAN (base station controller, which acts a WAN gateway to the network, and the network element find and identify each other – Figure 5 – Abstract; Column 4, Lines 45-59; Column 6, Lines 37-67; furthermore, the BSC receives identification information and hardware information from the base station to register the base station to the network for operation: Col 7, lines 35-43);

Matturi discloses all the particulars of the claim but is unclear about the limitations of

receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an wireless access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point; and

storing said wireless access point registration request information at said WLAN gateway.

However, Gray does disclose the limitations of receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an wireless access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point (Col 5, Section II. Operation; lines 60 – 67; Col 7, lines 30-53: the management platform which is equivalent to the WAN gateway discovers and registers wireless access points and storing their information such as point location, IP address, MAC address, radio type, and power level information; access point location (the positional parameters of the AP in Latitude and Longitude: Col 6, lines 46-47), radio type (the use of 802.11 technology: Col 5, lines 17-21, which the packet can specifies a specific channel: Col 6, line 46, Fig. 1, Fig.3 showing channel 11), or power level information (Fig. 7B, element 7: power management)); and

storing said wireless access point registration request information at said WLAN gateway (store the information in the master table: Col 6, lines 30-53).

Matturi and Gray are analogous art for they both are wireless systems trying to establish connections within its network. Therefore, it would have been obvious to one

ordinarily skilled in the art at the time of invention to incorporate Gray's capability of receiving and storing access points information during registration of wireless access points to Matturi's base station controller to collect information of available access points/base stations to allow network administrators to optimize the configuration of the wireless network environment for performance and security (Gray: Col 3, lines 27-30).

Regarding claim 2, as applied to claim 1 above, Matturi discloses that each wireless access point selects a random delay prior to sending said wireless access point registration request to said broadcasting WLAN gateway (read as each wireless access point communicates on a different time slot to prevent collision and each has a unique delay: Col 7, lines 22-48).

Regarding claim 3, Matturi discloses a method for registering a wireless access point in wireless area network (WAN), comprising:

broadcasting a gateway discovery query message from said wireless access point (wireless access point seeks out the base station controller acting as the WLAN gateway – Figure 6 – Column 6, Lines 63-67 and Column 7, Lines 1-6);

receiving from said at least one WAN gateway, a respective service discovery message (base station controller, which acts a WLAN gateway to the network, and the network element find and identify each other – Figure 5 – Abstract; Column 4, Lines 45-59; Column 6, Lines 37-67);

selecting by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received; and sending an wireless access point registration response comprising wireless access point information to said selected WLAN gateway (WLAN gateway is selected and identification information about the wireless access point is communicated – Column 5, Lines 9-17; Column 7, Lines 21-48);

Matturi discloses all the particulars of the claim, but is unclear about the limitation of sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to wards said selected WAN gateway.

However, Gray does disclose sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway (Col 5, Section II. Operation; lines 60 – 67; Col 7, lines 30-53: the management platform which is equivalent to the WAN gateway discovers and registers wireless access points and inherently receiving from access point and storing information such as point location, IP address, MAC address, radio type, and power level information; access point location (the positional parameters of the AP in Latitude and Longitude: Col 6, lines 46-47), radio type (the use of 802.11 technology: Col 5, lines 17-21, which the packet can specifies a specific channel: Col 6, line 46, Fig. 1, Fig.3 showing channel 11), or power level information (Fig. 7B, element 7: power management)).

Matturi and Gray are analogous art for they both are wireless systems trying to establish connections within its network. Therefore, it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's capability of receiving and storing access points information during registration of wireless access points to Matturi's base station controller to collect information of available access points/base stations to allow network administrators to optimize the configuration of the wireless network environment for performance and security (Gray: Col 3, lines 27-30).

Regarding claim 4, as applied to claim 3 above, Matturi discloses that said selecting further comprises:

determining if said wireless access point is currently registered and sending said service discovery message to said wireless access point (Figure 5 – Abstract; Column 4, Lines 45-59; Column 6, Lines 37-67).

Regarding claim 5, Matturi discloses that said selecting comprises:

determining an appropriate WAN gateway using at least one of the following: a cost of using a WAN gateway, a load at a WAN gateway, and system features provided by a WAN gateway (a system feature is read as establishing wireless communication to be connected to a network by identifying one another by means of communication control channel: Col 6, lines 63-66).

Regarding claim 6, Matturi discloses all the particulars of the claim but is unclear about the limitation of the method of claim 3, wherein said sending of an access point registration request further comprises sending security information in said access point registration request.

However, Gray does disclose the limitation of the method of claim 3, wherein said sending of an access point registration request further comprises sending security information in said access point registration request (security setting for an access point belonging to a group such as the Sales group: Col 7, lines 24-31; which was defined in the access point master table under group name: Col 6, lines 50-52).

Matturi and Gray are analogous art for they both are wireless systems trying to establish connections within its network. Therefore, it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's disclosure of security settings to provide users of the network improved security and privacy.

Regarding claim 7, Matturi discloses that said each wireless access point selects a random delay prior to sending said wireless access point registration request to said WLAN gateway (read as each wireless access point communicates on a different time slot to prevent collision: Col 7, lines 22-48).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUCK HUYNH whose telephone number is (571)272-7866. The examiner can normally be reached on M-F 1pm-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuck Huynh/
Examiner, Art Unit 2617

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617